

## Article - Public Utilities

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§3-208.

(a) (1) Any party may introduce new evidence on judicial review.

(2) If the evidence presented on judicial review is materially different from the evidence presented at the hearing before the Commission, the court shall:

(i) unless all parties stipulate in writing to the contrary, refer a transcript of the new evidence to the Commission; and

(ii) stay the proceedings for a period of time that the court considers appropriate.

(b) (1) On receipt of a transcript in accordance with subsection (a)(2)(i) of this section, the Commission may modify its findings based on the new evidence.

(2) Within a period of time that the court specifies, the Commission shall file with the court a report of any action taken based on the new evidence.

(c) (1) If, on referral, the Commission rescinds the action on which the appeal was taken, the court shall dismiss the appeal and any modification made by the Commission shall stand in place of the original action.

(2) If, on referral, the Commission does not rescind or modify the original action, the court shall render judgment on the original order.

(d) Further evidence may not be introduced in the reviewing court after referral to the Commission under this section unless the court finds that serious injustice would otherwise result from the failure to allow the introduction of the new evidence.

(e) The provisions of § 3-110(c) of this title relating to incriminating testimony apply to proceedings for judicial review under this subtitle.

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